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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,886	06/26/2001	Pingnan Shi	78508 (38-155 US)	2419

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/891,886	SHI ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-10 and 12-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-10 and 12-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/12/07 have been fully considered but they are not persuasive.

Page 9, paragraph starting "Secondly":

The applicant argues that a television receiver cannot be interpreted as a signal tester. The examiner disagrees with the applicant, as whether or not the television outputs a viewable signal would indicate the signal strength. With a digital signal, the video output would be blocky (from missing frames) and this would be apparent to anyone observing the picture output. Therefore a television could be used as a simple tester that while it would not disclose the particular issue, it would diagnose that there was an issue with the signal.

Page 10, paragraph starting "The basis":

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the specifics of what problems the tester is testing for) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Page 11, last paragraph (continuing onto the next page):

The applicant argues that Kitamura does not disclose a digital system. Lui is used to teach this feature.

Page 12, paragraph beginning with "Another":

The applicant argues that there is no mention of bandwidth in Kitamura. Lui is being used to teach this feature, as it teaches tuning to different digital signals with different bandwidths.

Page 12, last paragraph (continuing onto next page):

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the details of the user interface) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Page 16, paragraph starting "This differs":

The applicant argues that Lui does not teach the plurality of digital cable standards. According to Lui (column 1, line 34 to column 2, line 8; column 4, lines 56-65), the invention disclosed is able to operate in a dual mode using a plurality of standards.

Page 16, paragraph starting "The same":

This argument was answered above.

Page 17, paragraph starting "As Stockhill's":

The applicant argues that Stockhill does not is teaching away from Kitamura and Lui. As Stockhill is being used to teach details of digital filtering not disclosed by Lui, this combination is viewed as valid.

Page 17, last paragraph (continuing onto next page):

The applicant argues that the SAW filter taught by Lui does not meet the limitation of the claim. As the SAW filter performs the actions of the filters in the claim, this is interpreted as meeting the limitation as it performs the actions after adjustments to the function of the filter.

Page 18, paragraph beginning "While Lui":

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the circuits operating simultaneously) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The remaining arguments are repeats of arguments responded to above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu.

Referring to claim 1, Kitamura discloses a test meter for a digital signal distribution system comprising:

a front end for acquiring a signal carried by the signal distribution system (column 1, lines 37-48; Note: a television is interpreted as being a simple test meter as a user will be able to determine the signal strength by observing the television output);

signal conditioning circuitry having a plurality of signal conditioning circuits (figure 1), each signal conditioning circuit corresponding to a different CATV standard in a plurality of CATV standards (column 2, lines 19-21), the signal conditioning circuitry being in communication with said front end so as to receive the acquired signal and operative to output a channel signal by applying the acquired signal to the signal conditioning circuit that corresponds to the CATV standard for the acquired signal (column 2, lines 21-25), wherein the channel signal has a bandwidth set by the corresponding CATV standard (column 1, lines 42-44);

a means for analyzing at least one parameter of the signal to produce an analysis output (column 1, lines 37-48; Note: the video output is being interpreted as parameter to analyze);

a user interface operative to allow a user to select the CATV standard signal (column 2, lines 19-21).

Kitamura does not disclose a test meter wherein the CATV signals are digital; and with a digital demodulator in communication with said signal conditioning circuitry and operative to select one demodulation scheme from a plurality of digital demodulation schemes to obtain a demodulated signal from the digital channel signal after signal conditioning.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8); and with a digital demodulator in communication with said signal conditioning circuitry and operative to select one demodulation scheme from a plurality of digital demodulation schemes to obtain a demodulated signal from the digital channel signal after signal conditioning (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Referring to claim 2, Kitamura does not disclose a test meter of claim 1, wherein the plurality of digital CATV standards comprise ITU-T J.83 Annex A, Annex B, and Annex C and the plurality of digital demodulation decoding schemes comprise QAM and QAM variants.

Liu discloses a test meter of claim 1, wherein the plurality of digital CATV standards comprise ITU-T J.83 Annex A, Annex B, and Annex C (column 5, lines 9-10) and the plurality of digital demodulation decoding schemes comprise QAM and QAM variants (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Referring to claim 6, Kitamura discloses a test meter of Claim 1, wherein the user interface is operative to allow a user to select one channel signal (column 2, lines 24-25).

Kitamura does not disclose a test meter wherein the CATV signals are digital.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver

disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

2. Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu as applied to claim 1 above, and further in view of Stockill.

Referring to claim 3, Kitamura does not disclose a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired digital signal in accordance with a first digital CATV standard and a second filter that filters the acquired digital signal in accordance with a second digital CATV standard.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Kitamura and Liu do not disclose a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired signal in accordance with a first CATV standard and a second filter that filters the acquired signal in accordance with a second CATV standard.

Stockill discloses a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired signal in accordance with a first CATV standard and a second filter that filters the acquired signal in accordance with a second CATV standard (column 4, lines 3-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the parallel filtering taught by Stockill to the system disclosed by Kitamura and Liu. The motivation would have been to enable the system to only need one demodulator by utilizing parallel filters.

Referring to claim 4, Kitamura does not disclose a test meter of Claim 3, wherein said first filter comprises a SAW filter operative to filter a first bandwidth according to the first digital CATV standard, and said second filter comprises a SAW filter operative to filter a second bandwidth according to the second digital CATV standard.

Liu discloses a test meter of Claim 3, wherein said first filter comprises a SAW filter operative to filter a first bandwidth according to the first digital CATV standard, and said second filter comprises a SAW filter operative to filter a second bandwidth according to the second digital CATV standard (column 5, lines 39-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the SAW filter taught by Liu in the system disclosed above. The motivation would have been to limit out-of band signal energy (Liu: column 5, lines 41-42).

Referring to claim 5, Kitamura does not disclose a test meter of Claim 4, wherein said first digital CATV standard comprises ITU-T J.83 Annex A and said second digital CATV standard comprises ITU-T J.83 Annex B.

Liu discloses a test meter of Claim 4, wherein said first digital CATV standard comprises ITU-T J.83 Annex A and said second digital CATV standard comprises ITU-T J.83 Annex B (column 1, lines 51-64).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

3. Claims 8, 9, 10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu as applied to claim 1 above, and further in view of Hessel.

Referring to claim 8, Kitamura and Liu do not disclose a test meter of Claim 1, wherein said user interface is operative to allow a user to select one digital modulation decoding scheme from the plurality of digital demodulation decoding schemes.

Hessel discloses a test meter of Claim 1, wherein said user interface is operative to allow a user to select one digital modulation decoding scheme from the plurality of digital demodulation decoding schemes (column 4, lines 38-46).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user selectable demodulation schemes taught by Hessel to the system disclosed by Emsley and Schmidt. The motivation would have been to enable a user to decode a plurality of different digital standards using a single device.

Claims 10 and 16 are rejected on the same grounds as claims 1 and 8.

Claim 12 is rejected on the same grounds as claim 1.

Claim 13 is rejected on the same grounds as claim 3.

Claims 14 and 17 are rejected on the same grounds as claim 5.

Referring to claim 9, Kitamura does not disclose a test meter of Claim 8, wherein the plurality of digital demodulation decoding schemes includes QAM and QAM variants.

Liu discloses a test meter of Claim 8, wherein the plurality of digital demodulation decoding schemes includes QAM and QAM variants (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the QAM variant decoding taught by Liu to the system disclosed by Kitamura. The motivation would have been to enable the system to be able to work with the most possible systems without addition modifications.

Claims 15 and 18 are rejected on the same grounds as claim 9.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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